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Subject: RE: Government Filing - Request for Court Order (UNCLASSIFIED)

From: "David Coombs" (b) (6)

Date: Mon, Aug 20, 2012 7:40 pm

To: "'Lind, Denise R COL USARMY (US)'" (b) (6)

(b) (6)
[Redacted]

Ma'am,

The Defense is not claiming a privilege. However, we would maintain that the testimony from Capt. Richardson, LTC Russell, and LCDR Weber is not relevant to PFC Manning's treatment while at Quantico. None of these individuals spoke to anyone from Quantico. To the extent the Quantico Brig relied upon conduct by PFC Manning in Kuwait to justify his custody status, it is based upon documentation that the Government has provided to the Defense in discovery. The Government is certainly free to introduce this documentation. Anything else, however, is outside of what Quantico would have considered in making its custody determination.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs

(b) (6)
[Redacted]

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-----Original Message-----

APPELLATE EXHIBIT 277
PAGE REFERENCED:
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From: Lind, Denise R COL USARMY (US) [mailto:(b) (6)]
Sent: Monday, August 20, 2012 4:48 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J
CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J
Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US);
Ford, Arthur D Jr CW2 USARMY (US); Williams, Patricia A CIV (US);
Jefferson, Dashawn MSG USARMY (US); Moore, Katrina R SFC USARMY (US);
Overgaard, Angel M CPT USARMY (US)
Subject: RE: Government Filing - Request for Court Order (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Counsel,

The Court has not received any notification that the defense is claiming a
privilege under MRE 513.

Is the defense claiming a privilege under MRE 513 for the information the
government requests in its motion for a court order? If yes, at the 28-30
August 2012 article 39(a) session, be prepared to address whether an
exception to MRE 513 applies under MRE 513(3)(4)(6) and/or (7) apply and
whether the privilege is waived under RME 510.

D

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit

-----Original Message-----

From: Lind, Denise R COL USARMY (US)
Sent: Monday, August 20, 2012 4:15 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J
CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J
Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US);
Ford, Arthur D Jr CW2 USARMY (US); Williams, Patricia A CIV (US);
Jefferson, Dashawn MSG USARMY (US); Moore, Katrina R SFC USARMY (US);
Overgaard, Angel M CPT USARMY (US)
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Caveats: NONE

Counsel,

I have it under advisement.

D

DENISE R. LIND

COL, JA
Chief Judge, 1st Judicial Circuit

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, August 20, 2012 4:01 PM
To: Lind, Denise R COL USARMY (US)
Cc: David Coombs; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Williams, Patricia A CIV (US); Jefferson, Dashawn MSG USARMY (US); Moore, Katrina R SFC USARMY (US); Overgaard, Angel M CPT USARMY (US)
Subject: Government Filing - Request for Court Order (UNCLASSIFIED)

Ma'am,

On Thursday, 16 August, the United States, through CPT Overgaard, submitted the attached motion to the Court, but did not receive acknowledgment from the Court or defense. Could you and the defense please confirm receipt? Thank you.

v/r
MAJ Fein

-----Original Message-----

From: Overgaard, Angel M CPT USARMY (US)
Sent: Thursday, August 16, 2012 8:15 PM
To: Lind, Denise R COL USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Cc: David Coombs; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Williams, Patricia A CIV (US); Jefferson, Dashawn MSG USARMY (US); Moore, Katrina R SFC USARMY (US)
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Caveats: NONE

Ma'am:

Attached is a government motion requesting the Court order the Accused's mental health professionals to speak with and disclose their notes to the prosecution. A draft order is also attached.

Certain mental health professionals of the Accused, in particular, two on the prosecution's Article 13 witness list, will not speak with the prosecution without either a waiver or a court order. On Tuesday, the prosecution asked the defense to provide a waiver. On Wednesday, the defense informed the prosecution that we would need to request a Court Order.

Thank you.

VR
ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW

Classification: UNCLASSIFIED
Caveats: NONE

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Caveats: NONE

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Caveats: NONE

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